

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No.: 10/696,284

Applicant(s): AKASHE et al.

Filed: October 29, 2003

Title: Method of Preparation of High
Quality Soy Cultured Products

Art Unit: 1761

Examiner: Weier, Anthony J.

Attorney Docket No. 77017

Customer No. 48940

Confirmation No. 6489

CERTIFICATE OF MAILING

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this date.

Date

Registration No.
Attorney for Applicant(s)TERMINAL DISCLAIMERTO OBVIATE PROVISIONAL DOUBLE PATENTING REJECTIONS
OVER PENDING "REFERENCE" APPLICATIONS

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The owner, Kraft Foods Holdings, Inc., of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term of any patent granted on pending reference U.S. Application No. 10/696,603, filed on October 29, 2003, and any patent granted on pending reference U.S. Application Number 10/755,210, filed on January 12, 2004, as such term is defined in 35 U.S.C. 154 and 173, and as the term of any patent granted on said reference U.S. Application No. 10/696,603 and any patent granted on said reference U.S. Application No. 10/755,210 may be shortened by any terminal disclaimer filed prior to the grant of any patent on the pending reference U.S. Application No. 10/696,603 and on the pending reference U.S. Application No. 10/755,210.

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Terminal Disclaimer

Reference U.S. Application No. 10/755,210 is a continuation of commonly owned U.S. Application No. 09/939,500, filed on August 23, 2001, which issued as U.S. Pat. No. 6,787,173.

The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the reference U.S. Application No. 10/696,603 and any patent granted on the reference U.S. Application No. 10/755,210 are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 1173 of any patent granted on said reference U.S. Application No. 10/696,603 and of any patent granted on said reference U.S. Application No. 10/755,210, "as the term of any patent granted on said reference U.S. Application No. 10/696,603 and of any patent granted on said reference U.S. Application No. 10/755,210 may be shortened by any terminal disclaimer filed prior to the grant of any patent on the pending reference U.S. Application No. 10/696,603 and on the pending reference U.S. Application No. 10/755,210," in the event that: any such patent: granted on the pending reference U.S. Application No. 10/696,603 and any such patent granted on the pending reference U.S. Application No. 10/755,210: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer filed prior to its grant.

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Terminal Disclaimer

The undersigned is an attorney or agent of record.

A Terminal disclaimer fee under 37 CFR 1.20(d) is included.

Respectfully submitted,

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Date: October 11, 2005

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